

PROB 12C
(6/16)

Report Date: January 5, 2023

United States District CourtFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

for the

Jan 05, 2023

SEAN F. MCAVOY, CLERK

Eastern District of Washington**Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Allen West Frantz

Case Number: 0980 2:22CR00079-TOR-1

Address of Offender: [REDACTED], Spokane, Washington 99205

Name of Sentencing Judicial Officer: The Honorable David C. Nye, Chief U.S. District Judge

Name of Supervising Judicial Officer: The Honorable Thomas O. Rice, U.S. District Judge

Date of Original Sentence: July 9, 2019

Original Offense: Possession with Intent to Distribute Methamphetamine, 21 U.S.C. § 841(a)(1) and (b)(1)(c)

Original Sentence: Prison - 36 months
TSR - 36 months

Type of Supervision: Supervised Release

Revocation Sentence: Prison - 60 days
(September 28, 2022) TSR - 34 months

Asst. U.S. Attorney: Stephanie A. Van Marter

Date Supervision Commenced: October 22, 2022

Defense Attorney: Kathryn Patricia Lucido

Date Supervision Expires: August 21, 2025

PETITIONING THE COURT

To incorporate the violations contained in this petition in future proceedings with the violations previously reported to the Court on 12/15/2022.

On October 25, 2022, an officer with the U.S. Probation Office in Spokane, Washington, reviewed a copy of the conditions of supervision with Mr. Frantz, as outlined in the judgment and sentence. He signed a copy acknowledging the requirements.

The probation officer believes that the offender has violated the following conditions of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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4	<u>Special Condition #6:</u> You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.
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Supporting Evidence: On or about December 18, 2022, Allen Frantz allegedly violated special condition number 6 by consuming methamphetamine.

On December 20, 2022, the offender reported to the U.S. Probation Office to meet with this officer. The undersigned asked Mr. Frantz if he had consumed any controlled substances,

Prob12C

Re: Frantz, Allen West**January 5, 2023****Page 2**

to which he stated no; the offender further signed a denial of use form confirming his denial. The undersigned then informed the offender he would be subject to random urinalysis testing.

Mr. Frantz subsequently submitted to random urinalysis testing and provided a urine sample that tested presumptive positive for amphetamine, methamphetamine, and cocaine. The offender ultimately admitted to the use of methamphetamine on or about December 18, 2022, and he signed an admission of use form confirming that use. He did although continue to deny the use of cocaine, so the sample was sent to the laboratory for further testing.

On December 28, 2022, this officer received notification from the laboratory that the urine sample Mr. Frantz provided on December 20, 2022, was in fact positive for amphetamine and methamphetamine; the sample was although later confirmed to be negative for cocaine.

- 5 **Special Condition #5:** You must undergo a substance abuse evaluation and, if indicated by a licensed/certified treatment provider, enter into and successfully complete an approved substance abuse treatment program, which could include inpatient treatment and aftercare upon further order of the court. You must contribute to the cost of treatment according to your ability to pay. You must allow full reciprocal disclosure between the supervising officer and treatment provider.

Supporting Evidence: On or about December 23, 2022, Allen Frantz allegedly violated special condition number 5 by failing to engage in his substance abuse group treatment session as required.

On January 3, 2023, the undersigned officer received notification from Pioneer Human Services (PHS) that the offender had failed to engage in his group treatment session on December 23, 2022, in its entirety. Additionally, PHS staff advised, while he was in class, Mr. Frantz was disruptive, causing some of the other participants to feel “disrespected.”

On January 4, 2023, this officer contacted the offender, who had failed to check-in with the undersigned earlier that date as instructed. When asked about the treatment session on December 23, 2022, Mr. Frantz stated he left treatment approximately 30 minutes early because his ex-girlfriend’s daughter and her boyfriend had arrived in town from Montana. It should be noted, the offender did not request or receive authorization from the assigned officer to leave treatment early on that date.

- 6 **Special Condition #6:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: On or about January 1, 2023, Allen Frantz allegedly violated special condition number 6 by consuming methamphetamine.

On January 4, 2023, while speaking with the offender, he was asked if he would test positive for illicit drugs if subject to urinalysis testing the following day; the offender responded he was not sure. After further discussion, Mr. Frantz ultimately admitted to the use of methamphetamine on or about January 1, 2023.

Prob12C

Re: Frantz, Allen West

January 5, 2023

Page 3

The offender was instructed to report to the U.S. Probation Office on January 5, 2023, to sign an admission of use form confirming his use.

The U.S. Probation Office respectfully recommends the Court to incorporate the violations contained in this petition in future proceedings with the violations previously reported to the Court.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 01/05/2023

s/Amber M.K. Andrade

Amber M.K. Andrade

U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other



Thomas O. Rice

United States District Judge

January 5, 2023

Date